

SC12878TP

REMARKS

Claims 1-20 are pending. No amendments are made. All claims are pending as originally filed.

Applicants respectfully submit that claims 1-20 are patentable over Chiu et al (6,777,340) in view of Chen et al. (6,887,783) under 35 U.S.C. 103(a). Claims 1-20 include features that are not taught or suggested by Chiu in view of Chen. For example, Chiu in view of Chen fails to teach or suggest, "forming a first hardmask layer over the absorber," as stated in independent claims 1, 8, and 15. Chiu teaches forming hardmask layers 18 and 20 under the absorber 22. Therefore, Chiu teaches away from forming a hardmask layer over the absorber.

Chen together with Chiu also fails to teach or suggest "forming a first hardmask layer over the absorber" because Chen, like Chiu, does not form the first hardmask over an absorber. Chen's first hardmask 113 is formed over a dielectric layer 112, an adhesion promoter layer 111, and a substrate 110 but not over an absorber. For at least this reason, Chiu in view of Chen fails to teach or suggest all features of all independent claims 1, 8, and 15 and therefore, claims 1-20 are patentable over these references under 35 U.S.C. 103(a).

While Chiu in view of Chen may fail to teach or suggest other features of the independent claims and additional features of dependent claims, Applicants do not explain these differences herein since sufficient reasons for patentability have been given. Further explanation and arguments are not needed.

In the rejection notice, the Examiner has summarized the inventions of the two patents listed above but has not provided sufficient detail to explain to the Applicants where these patents teach all of the aspects of the claimed invention. Applicants remind the Examiner of the USPTO's requirement under MPEP 706 that "[w]hen a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." Applicants have made their best effort to determine how the Examiner is relying on the references to teach or suggest the features of the claims. If after considering Applicant's arguments in this response, the Examiner upholds any of the rejections, Applicants request that additional guidance be provided to help clarify how the references are being used to reject the claims to aid in the process.

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Applicants believe the application is in condition for allowance which action is respectfully solicited. Please contact the practitioner listed below if there are any issues regarding this communication or otherwise concerning the current application.

Respectfully submitted,

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